REMARKS

Claims 26-37 were pending in the application and have been rejected. Applicant respectfully requests reconsideration of the pending claims 26-37.

Applicant has amended claims 26 and 32. Support for the amendments can be found at paragraphs [0051], [0053], [0058], [0059], [0068], [0069], and [0072] of Applicant's disclosure as published in US Patent Application Publication 2003/0005093. No new matter has been added to the claims.

CLAIM REJECTIONS UNDER 35 USC § 102

The Office Action rejected claims 26-37 under 35 USC 102(e) as being anticipated by US Patent number 7,080,371 issued to *Arnaiz*.

Applicant respectfully disagrees and submits the following in support thereof. The instant application deals with a server versioning tool. Claim 26 in particular recites a method for carrying out the process of server versioning in a development environment. *Arnaiz* is an upgrader for upgrading software. Col. 3, lines 23-24: "*Full and partial upgrades are enabled according to the method and apparatus of our invention.*" Claim 1: "*A method for a server computer to distribute and install software upgrades on client computers, comprising: under control of the server computer, defining contents of software version upgrade kits of software installed on client computers, the software version upgrade kits each being self-contained and comprising files, actions, and an upgrade wizard to upgrade a software component from one version to another version.*"

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Since *Arnaiz* is concerned with software upgrades, in particular database upgrades, *Arnaiz* does not discuss bundling an application under development with the appropriate versioned configuration data needed to run that application on any number of servers and platforms. The Examiner cites the following portion of *Arnaiz* as being equivalent to the instant bundled package: *Arnaiz* Col. 8, lines 6-9: "*Each upgrade kit must contain all the files and commands needed to install the software components. For example, an upgrade kit can be used to install Microsoft Word 7.0.2 on all clients. This upgrade kit must contain all the files (e.g. executables, sample files, templates, etc.) and commands (e.g. update the registry, build short cuts, etc.) to install Microsoft Word 7.0.2.*" This portion of *Arnaiz* describing the contents of the upgrade kit does not mention any server configuration data at all in the upgrade kit.

Applicant submits that *Arnaiz* clearly does not include server configuration data in the upgrade kit. *Arnaiz* does not discuss configuring the server to run the application. In contrast, claim 26 recites transmitting a bundled package containing the application with the necessary version configuration data need to reproduce the execution environment for running the application.

Claims 27-31 are dependent on claim 26 and are therefore not anticipated by *Arnaiz* for at least the same reasons that claim 26 is not anticipated by *Arnaiz*.

Independent claim 32 is an article of manufacture counterpart of claim 26 and has been amended with claim language tracking that of claim 26. Claim 32 is therefore not anticipated by *Arnaiz* for at least the same reasons that claim 26 is not anticipated by *Arnaiz*.

Claims 33-37 are dependent on claim 32 and are therefore not anticipated by *Arnaiz*

for at least the same reasons that claim 32 is not anticipated by *Arnaiz*.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims. The undersigned hereby authorizes the Director to charge any additional fees as appropriate, or credit any overpayments, to Deposit Account No. 50-0510.

Respectfully submitted,

/Michael J. Buchenhorner/

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